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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,275	06/01/2006	Walter Stephan	P71261USD	3152
136 7590 03/18/2009 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER BONZELL, PHILIP J				
ART UNIT		PAPER NUMBER		
3644				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,275

Applicant(s)

STEPHAN ET AL.

Examiner

PHILIP J. BONZELL

Art Unit

3644

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 5, 7, 10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) and Bossert (US Patent #5282556).

a. For Claims 1, 7, 10, 12, 13, and 15, figures 1 and 3 of Bargull '694 disclose a device comprising a ceiling-side connecting element (19) that is arranged between upwardly extending bracket extensions (16) of the end-side walls (14) so as to be integrated into the luggage stowage compartment (1) which has a top wall (13) and a bottom (11). The extensions (16) are upwardly projecting bracket and the connecting element (19) is configured as a ledge that is fastened at two positions to the luggage stowage compartment so as to be unshiftable in a longitudinal direction. While Bargull '694 discloses that the connection element is made out of metal, it is silent about using fiber-glass reinforced synthetic material, however, column 1, lines 22-23 of Mikalonis '326 teaches, "elongated panel member preferably formed by pultrusion from resin and glass fibers". Therefore it have been obvious to someone of ordinary skill in

the art at the time of the invention to modify Bargull '694 with the fiber glass of Mikalonis '326 in order to create a structure that is strong and light.

b. While figure 3 of Bargull '694 teaches mounting or fastening the ledge to the ceiling wall of the luggage compartment, it is silent about using glue.

However, column 4, lines 46-47 of Bossert '556 teaches, "Glues, metal pins, screws, or other fasteners can be used to join non-integrally formed walls together." Therefore it would have been obvious to someone of ordinary skill in the art to modify Bargull '694 with the glue of Bossert '556 in order to mount the ledge to the luggage compartment as it requires fewer parts and therefore simplifies and lightens the system.

c. For Claim 3, figure 1 discloses a force introducing element (16C) that is connected to the extensions (16) at a bracket (16B) with a fastener.

d. For Claim 5, figure 3 of Bargull '694 discloses a ledge or reinforcement on the left side of the connecting element (19) therefore making the connecting element L-shaped.

e. For Claim 14, while figure 1 of Bargull '694 discloses a fastener connection of the actuating force introducing element (16C), the Examiner take Official Notice that the use of a bushing or a lug could easily be substituted in to the assembly so as to create a system that has a desired force introducing amount while remaining as simple and as light weight of a system as possible.

2. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) and Bossert (US Patent #5282556) as applied to claim 1 above, and further in view of Spencer (US Patent #5842668). While Bargull '694 discloses an edge (28) in figure 2 that would distribute the forces on the bottom side of the stowage compartment, figure 6 of Spencer '668 teaches a bull nose or bottom carrier (28) at the bottom of the compartment that distributes forces. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694, Mikalonis '326, and Bossert '556 with the bottom carrier of Spencer '668 in order to more rigidly distribute the forces along the bottom of the compartment.

3. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) and Bossert (US Patent #5282556) as applied to claim 1 above, and further in view of Stephan (US Patent #5817409). Bargull '694, Mikalonis '326, and Bossert '556 are silent about the use of carbon fiber, however, column 12, lines 10-11 of Stephan '409 teaches the use of carbon fiber in the construction of a luggage compartment. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694, Mikalonis '326, and Bossert '556 with carbon fiber of Stephan '409 in order to create a structure that is strong and light and well known in the art.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 5, 7, 8, and 10-16 have been considered but are moot in view of the new ground(s) of rejection. The newly amended claims include the limitations of using an adhesive, that being glue. The Bossert '556 reference has been included in the rejection which teaches that using glue is a well known fastening method and the Mikalonis '326 reference teaches using fiber-glass as the building product for an overhead luggage compartment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. BONZELL whose telephone number is (571)270-3663. The examiner can normally be reached on M-Th 8-5;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. J. B./
Examiner, Art Unit 3644

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

pjb